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Security Council

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Resolution 1393 (2002)

Adopted by the Security Council at its 4464th meeting, on 31 January 2002

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1364 (2001) of 31 July 2001,

Having considered the report of the Secretary-General of 18 January 2002 (S/2002/88),

Recalling the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Recalling its condemnation of the shooting down of a helicopter of the United Nations Observer Mission in Georgia (UNOMIG) on 8 October 2001, which resulted in the death of the nine people on board, and *deploring* the fact that the perpetrators of that attack have still not been identified,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming the important contributions made by UNOMIG and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) in stabilizing the situation in the zone of conflict, and *stressing* its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 18 January 2002;

2. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

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3. *Welcomes and supports* the finalization of the document on "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and of its letter of transmittal, with the contribution and the full support of all members of the Group of Friends, and supports the efforts of the Special Representative on the basis of these documents which are positive elements for launching the peace process between the sides;

4. *Recalls* that the purpose of these documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

5. *Further recalls* that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

6. *Strongly urges* the parties, in particular the Abkhaz side, to receive the document and its transmittal letter in the near future, to give them full and open consideration, and to engage into constructive negotiations on their substance without delay thereafter, and *calls* on others having influence with the parties to promote this outcome;

7. *Calls* on the parties to spare no efforts to overcome their ongoing mutual mistrust;

8. *Condemns* violations of the provisions of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I), and *demands* that they cease immediately;

9. *Welcomes* and strongly supports, in this regard, the protocol signed by the two sides on 17 January 2002 regarding the situation in the Kodori Valley, *calls* for its full and expeditious implementation, in particular by the Georgian side, but also specifically *urges* the Abkhaz side to honour its undertaking not to take advantage of the withdrawal of Georgian troops, *recognizes* the legitimate security concerns of the civilian populations in the area, *calls* on the political leaders in Tbilisi and Sukhumi to observe security agreements, and *further calls* on them publicly to dissociate themselves from militant rhetoric and demonstrations of support for military options and for the activities of illegal armed groups;

10. *Urges* the parties to ensure the necessary revitalization of the peace process in all its major aspects, to resume their work in the Coordinating Council and its relevant mechanisms, to build on the results of the Yalta meeting on confidence-building measures in March 2001 (S/2001/242), and to implement the proposals agreed on that occasion in a purposeful and cooperative manner;

11. *Expresses* its deep dismay at the lack of progress on the question of the refugees and internally displaced persons, *reaffirms* the unacceptability of the demographic changes resulting from the conflict, *reaffirms* also the inalienable right of all refugees and internally displaced persons affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II), *recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population, and *welcomes* the measures undertaken by the United Nations Development Programme,

the Office of the United Nations High Commissioner for Refugees and the Office for the Coordinator of Humanitarian Affairs to improve the situation of refugees and internally displaced persons, to develop their skills and to increase their self-reliance, with full respect for their inalienable right to return to their homes in secure and dignified conditions;

12. *Urges* the parties to implement the recommendations of the joint assessment mission to the Gali district, carried out under the aegis of the United Nations, *calls* in particular on the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

13. *Welcomes* the rehabilitation programmes initiated with the cooperation of the parties to serve displaced persons and returnees on both sides of the ceasefire line;

14. *Calls* on the parties to take all necessary steps to identify those responsible for the shooting down of a UNOMIG helicopter on 8 October 2001 and to bring them to justice, *expresses also its concern* at the disturbing tendency by the parties to restrict the freedom of movement of UNOMIG, thereby hindering the ability of the Mission to fulfil its mandate, including through effective patrolling, and *underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel;

15. *Reminds* the Georgian side in particular to uphold its commitment to put an end to the activities of illegal armed groups crossing into Abkhazia, Georgia, from the Georgian-controlled side of the ceasefire line;

16. *Welcomes* constant review by UNOMIG of its security arrangements in order to ensure the highest possible level of security for its staff;

17. *Decides* to extend the mandate of UNOMIG for a new period terminating on 31 July 2002, and to review the mandate of UNOMIG unless the decision on the extension of the presence of the CIS peacekeeping force is taken by 15 February 2002, and, in this respect, *notes* that on 31 January 2002 the Georgian authorities agreed on the extension of the mandate of the CIS peacekeeping force until the end of June 2002;

18. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia;

19. *Decides* to remain actively seized of the matter.